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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,016	11/29/2001	Georges Auberger	083114 0277565	3885
758	7590	11/01/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/998,016

Applicant(s)

AUBERGER, GEORGES

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 8/15/06 have been fully considered but they are not persuasive. Applicant's main argument, as found on page 7 and throughout is that Real Publisher does not meet the claim since the reference teaches that the metafile is stored at the local disk. Examiner agrees, but points out that the reference on goes on to teach on page 30, which is also cited by applicant, that the system updated when the user files are uploaded to the server. Therefore the feature of storing at a location remote from the user is also in fact, met by Real Publisher.

As for the additionally claimed feature, Real Publisher teaches that the metafile contains a URL, which reads on the amended feature of indicating video data is associated with a web page.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Getting Started with RealPublisher, Version 5.1, (Software Manual, 12/2/1998).

Considering claim 14, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘means for presenting a browser plug-in and a digital form to a user, wherein the user is prompted to complete the form’ is met by the screen shots, displayed on pages 11-18, which prompt a user to choose various parameters of the recording set-up. The RealPlayer RealPublisher application reads on the claimed ‘browser plug-in’, whereas each actual page that is interacted with by the user, reads on the claimed ‘digital form’.

‘means for uploading the video data to a media vault’, reads on the discussion in RealPublisher that the created audio/video files may be stored at a remote server, and that the

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user chooses the name & directory, see page 13, Item # 13; page 16, Item # 15; page 19, Item # 15; page 24, Item # 7; pages 31-37.

‘means for storing a video token into a database, wherein the video token is associated with the video data’; reads on the section in RealPublisher of creating web pages, embedded with video files, pages 27-30. The metafile in RealPublisher corresponds with the claimed ‘video token’, since it is associated with a corresponding medial file, see page 30.

‘means for presenting the digital medium and video data on the computing device’, reads on, page 30, Item # 13, which discloses that the user may view with web page (with video content) using a browser.

Regarding the amended claimed feature of, ‘indicating that the vide data is associated with web page’, Real Publisher teaches ha the metafile is associated with a URL, seepage 30.

Considering claims 15-16, RealPublisher teaches that the user may record video data within web pages, which reads on HTML see pages 27-30.

Considering claim 17, the browser plug-in RealPlayer is used to record data in the RealPublisher software package, see page 30, which states, “You must have RealPlayer installed to view your page properly.

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Considering claim 18, RealPublisher teaches that the input content may be live video, which requires a video camera as a capture device; see page 7 & pages 14-15.

Considering claim 19, the video data in RealPublisher may be imported from a memory of a computing device, page 12, Item # 5.

Considering claim 20, the purpose of the directory name is for uniquely identifying the video data, when in storage; see page 30.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chadda, (U.S. Pat # 6,173,317), in view of Yap, (U.S. PGPUB 2002/0040475).

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Considering claim 1, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services’, is met by the disclosure of Chadda, which teaches a user, i.e., designer 219 using the producer 215 to create interactive documents, col. 5, lines 10-35 & Fig. 2-3. The claimed feature reads on the use selecting the software package.

‘transmitting a digital form for a user to complete on a user computing device’ and ‘receiving a completed digital form’, reads by the user operating the producer application over the Internet as shown, col. 5, lines 29-54.

‘requesting the video enabling service to load a browser plug-in on the user computing device in response to receiving the completed digital form, such that browser plug-in is configured for video data recording’ is met by the disclosure that the browser plug-in 952 may be transmitted to the user and installed over the Internet, col. 8, lines 4-30.

‘receiving the video data to a media vault’, reads on the discussion in Chadda, that the video may be stored remote from the designer 219, col. 7, lines 45-50.

‘storing a video token into a database, the video token associated with the video data in the media vault’; Chadda only discusses Table of Contents to indexed time stamps in a video

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stream. Nevertheless, Yap teaches a system wherein video data is stored on a subscriber equipment and a file manager stores entries in a database used to retrieve the instant stored video data, see Para [0125]-[0127]. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Chadda with the feature of maintaining a database of entries that represents stored video items, at least for the advantage of enabling the user to easily manage the recorded content as taught by Yap, Para [0126].

‘presenting the digital medium and video data on the computing device’, reads on Chadda col. 5, lines 30-40 & col. 6, lines 21-35.

Regarding the amended claimed feature of, ‘indicating that the video data is associated with web page’, the annotation stream in Chadda is associated with URL, which reads on the subject matter, col. 8, lines 14-25.

Considering claims 2-3 & 9, Chadda teaches that the video data may be streamed over the Internet, which meets the claimed subject matter, see Abstract; col. 8, lines 21-60.

Considering claims 4 & 10, the browser plug-in is used to display & record data, see Chadda col. 8, lines 21-60.



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Considering claims 5, & 11, Chadda teaches that the input content may be live video, which requires a video camera as a capture device, see col. 9, lines 62-67. Also see Chadda, col. 5, lines 44-46.

Considering claims 6 & 13, each entry in the database of Yap uniquely identifies an associated recorded media, see Para [0125]-[0126].

Considering claim 7, the claimed method and system for inserting and integrating video data into streaming digital medium, comprises features that correspond with subject matter mentioned above in the rejection of claim 1, and are likewise treated.

Considering claim 8, Official Notice is taken that at the time the invention was made, it was known the art to transmit video files as attachment to e-mail. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Chadda & Yap, with the known feature of transmitting video data video e-mail services, at least for the benefit of providing the user with a wider range of communication methods.

Considering claim 12, see Chadda, col. 5, lines 44-50.

Considering claim 21, the claimed subject matter reads on the customer in Yap accessing the video data by using an entry stored in the database, see Para [0125]-[0129].

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



REUBEN M. BROWN  
PATENT EXAMINER